

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

[illegible]

**PLAINTIFF’S MOTION FOR REFERRAL TO COURT’S NON-BINDING,
ALTERNATIVE DISPUTE RESOLUTION PROGRAM**

Now comes the Plaintiff in the above matter, a totally disabled former employee of Blue Cross Blue Shield of Massachusetts, Inc., and moves the court to refer the matter to the Court's Non-Binding, Alternative Dispute Resolution Program (ADR) on the basis that the Plaintiff had her second spinal surgery on January 13, 2003, more than three (3) years ago, alleges that the surgery was unsuccessful and that she has been totally disabled prior to that time and since, and that no employee welfare benefits pursuant to ERISA have been paid since her short term disability benefits were prematurely terminated as of March 28, 2003.

Further, the Plaintiff says that she has also not received any long term ERISA disability benefits which she alleges should have commenced as of July 3, 2003.

In accordance with Local Rule 7.1, counsel for the Plaintiff has conferred with opposing counsel for Blue Cross Blue Shield of Massachusetts, Inc i.e. to wit Joseph Halpern, Esq. and he has indicated no objection. Also counsel for the Plaintiff has contacted out-of-state, opposing counsel for Kemper/Lumberman's /Broadspire et als. by both telephone and e-mail on April 24, 2006 and by telephone on April 25, 2006, with regard to this issue and he has yet to respond or have a member of his staff respond.

WHEREFORE, the Plaintiff believes and therefore avers that a referral to non-binding Alternative Dispute Resolution may now be the most humane, cost effective and efficient manner of resolving this matter promptly and that all other matters be stayed pending the conclusion of the non-binding Alternative Dispute Resolution.

-2-

Dated: April 25, 2006

The Plaintiff By Her Attorney:

s/Bernard A. Kansky, Esq.
BERNARD A. KANSKY, ESQ.
MA BBO # 258040/FED #28209
KANSKY & ASSOCIATES
ATTORNEYS AT LAW
468 COMMERCIAL ST #100
BOSTON, MA 02109-1020
(617) 227-2020/FAX (617) 227-5717
BERAKAN@AOL.COM

CERTIFICATE OF SERVICE

I the undersigned Bernard A. Kansky, Esq. as counsel for the Plaintiff do hereby certify that I gave notice of the within Plaintiff's Motion For Referral to the Court's non-binding Alternative Dispute Resolution Program by filing the within document by ECF which transmits copies hereof to all opposing counsel of record by e-mail and electronic notification on the month, date and year set forth below.

Dated: April 25, 2006

s/ Bernard A. Kansky, Esq.
BERNARD A. KANSKY, ESQ.
FOR THE PLAINTIFF